

MICHAEL E. McGERAGLE,)	AGBCA Nos. 2002-127-1
)	2002-128-1
Appellant)	
)	
Representing the Appellant)	
)	
Michael E. McGeragle, pro se)	
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Twain Harte, California 95483)	
)	
Representing the Government)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

November 12, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

These appeals arise out of Emergency Equipment Rental Agreement No. 56-9A40-9-1P305 between Michael E. McGeragle of Twain Harte, California (Appellant), and U. S. Department of Agriculture, Forest Service, (FS) Southern Sierra Province, California. Appellant appealed the Contracting Officer's (CO's) decision dated January 22, 2002, which denied his claim for an additional payment of \$3,039.70. The timely appeal was received at the Board April 26, 2002, and docketed as AGBCA No. 2002-127-1. The CO's decision also claimed that Appellant had been overpaid in the amount of \$989.87. The appeal of that affirmative Government claim was docketed as AGBCA No. 2002-128-1.

The Board has jurisdiction to decide the appeals pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended.

The parties filed pleadings and the FS submitted an appeal file. Thereafter the Board held several telephonic conferences with the parties. The parties also attempted to reach a negotiated settlement.

When those attempts were unsuccessful, a hearing was set for April 16, 2003, in Portland, Oregon, and both parties responded to the Board's pre-hearing order. Shortly before the date set for the hearing, Appellant asked for a 4-month postponement due to the illness of his wife. The request for postponement was granted.

On October 8, 2003, the Board convened a telephonic conference. The Board then reset the hearing for December 3, 2003. During a subsequent conference on October 15, 2003, the Board approved the parties' witness lists. The parties indicated that they were close to a settlement but had disagreements concerning certain non-monetary terms of the agreement. They agreed to continue to negotiate the terms of the agreement. The Board has now received a settlement agreement signed by both parties. Therein, both parties request dismissal of their claims.

DECISION

Pursuant to the joint request of the parties, the appeals are dismissed as settled.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
November 12, 2003